

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES ANTHONY SUMMERS,)

Petitioner,)

vs.)

JAMES BENEDETTI, *et al.*,)

Respondents.)

3:09-cv-00674-LRH-RAM

ORDER

Charles Anthony Summers, a prisoner at Ely State Prison, has filed a *pro se* amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and been granted leave to proceed in *forma pauperis*. The petition shall now be filed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the Clerk shall **ELECTRONICALLY SERVE** the amended petition (Docket #8) upon the respondents.

IT IS FURTHER ORDERED that respondents shall have **forty-five (45)** days from entry of this order within which to answer or otherwise respond to the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as any

1 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
2 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
3 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
4 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
5 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
6 **forty-five (45) days** from the date of service of the answer to file a reply.

7 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
8 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
9 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
10 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
11 General. The Court may disregard any paper that does not include a certificate of service. After
12 respondents appear in this action, petitioner shall make such service upon the particular Deputy
13 Attorney General assigned to the case.

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15 Dated this 13th day of April, 2010.



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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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